



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

AGENDA

Meeting of July 10, 2002

9:00 a.m., Commission Offices, 242 State Street, Augusta, ME

ROUTINE BUSINESS

1. Ratification of Minutes of May 29, 2002 meeting.

OLD BUSINESS

None pending.

NEW BUSINESS

2. Complaints Alleging Violations of Attribution Requirements:

- A. Herbert E. Clark and Timothy Richardson: By letters dated May 28, June 5, and June 7, 2002, Ms. M. Lorraine Stanley, President, Committee to Elect Stephen S. Stanley, alleged separate violations of the requirements for the publication and distribution of political statements of 21A M.R.S.A. §1014 by Mr. Clark and Mr. Richardson. A communication made more than 10 days before the election that results in a violation may result in a civil forfeiture of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation. A communication made within 10 days before the election that results in a violation may result in a civil forfeiture of no more than \$200.
Recommendation: Assess civil forfeitures of \$100 against Mr. Clark and \$25 against Mr. Richardson.

- B. Glenn Ross and Timothy Richardson: By letter received May 13, 2002, Representative Patricia A. Blanchette, alleged separate violations of the requirements for the publication and distribution of political statements of 21A M.R.S.A. §1014 by Mr. Ross and Mr. Richardson.
Recommendation: Assess civil forfeitures of \$25.00 against Mr. Ross and \$25 against Mr. Richardson (concurrent with the forfeiture assessed in the complaint filed by Ms. Stanley in agenda item #2A).

3. Late Candidate Campaign Finance Reports:

- A. Brian Bolduc, Late January 2002 Semiannual Report

Due: 1/15/02; Filed: 3/20/02 – 64 days late

No late reports this biennium (note \$100 unpaid penalty for late reports previously)

Penalty: \$62.08

Recommendation: Assess \$62.08 penalty and refer it and the unpaid \$100 outstanding penalty to the Attorney General



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OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE

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Due: 4/16/02; Filed: 4/22/02 – 6 days late

No late reports this biennium (note \$162.20 unpaid penalty for late report previously)

Penalty: \$11.10

Recommendation: Assess \$11.10 penalty and refer it and the unpaid \$162.20 outstanding penalty to the Attorney General**4. Late Lobbyist Monthly Disclosure Report:**Richard A. Durost, Executive Director, Maine Principals' Association

Due 5/15/02; Filed 5/16/02 – 1 day late

No previous late filings this biennium

Penalty: \$100.00

Recommendation: Assess \$50.00 penalty (see letter dated May 23, 2002)**5. Late Lobbyist/Employer Registration:**Jadine O'Brien, Lobbyist/Harvard Pilgrim Health Care/Employer:

Due 4/15/02; Filed 5/29/02 – 45 days late

Penalty: \$100.00 each per lobbyist/employer (\$200 total)

Recommendation: Waive penalty based upon *bona fide* effort to register (see letter dated June 14, 2002)**6. Late Political Action Committee 6-Day Pre-Primary Report:**Citizens for Responsibility; Richard P. Hawkins, Treasurer:

Due 5/5/02; Filed 6/17/02 – 12 days late

2nd violation this biennium (late April Quarterly Report; paid \$8.00 penalty)

Penalty: \$360.00

Recommendation: Assess \$360.00 penalty**7. Delinquent Political Action Committee Campaign Finance Report:**Dirigo Alliance PAC; George A. Christie, Treasurer:

April Quarterly Report

Due: 4/16/02

6-Day Pre-Primary Report

Due: 6/5/02

Penalty: Class E crime; administrative monetary penalty to be determined

Recommendation: Refer to Attorney General

8. Contribution in Excess of Limit; Thomas S. Roche, Sr.: Reported receipt of \$350 in-kind contribution by candidate for County Sheriff, subsequently amended to reflect \$300 in-kind payment for DJ services and refund by candidate of \$50 excess in-kind contribution. 21A M.R.S.A. §1015(1) limits contributions to \$250 per candidate per election. Knowingly making or accepting a contribution in excess of the limit is a Class E crime.

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Recommendation: Commission precedent for a 1st time excess contribution violation unknowingly made and accepted if the excess is refunded to the contributor when notified of the violation has been a warning and no further action.

9. Staff request for Commission interpretation; candidate campaign finance report late filing penalty: 21A M.R.S.A. §1020-A(4) sets the parameters for determining the penalty amount for late filing of a required report as the greater of total contributions or expenditures times a specified percentage times the number of days late. **Question:** For certified MCEA candidates, should the amount of MCEA fund distribution be considered a "contribution" to the candidate for application of the penalty provision? MCEA candidates may not use public funds to pay late filing penalties.

10. Staff request for Commission interpretation; determination of eligibility for matching funds for MCEA candidates with nonparticipating unenrolled general election opponents: A MCEA candidate is eligible to receive matching funds in the general election when the greater of a nonparticipating unenrolled opponent's contributions or expenditures exceeds 101% of the initial distribution to the MCEA candidate. **Question:** Should the amount raised/spent by an unenrolled candidate before the primary election be counted toward the general election (since an unenrolled candidate does not have a primary election), or should the account balance as of the first day of the general election (June 12th) be counted, as is done with all other candidates?

11. Staff request for Commission interpretation; determination of eligibility for certification as MCEA candidate: Commission Rules, Chapt.. 3, Sec. 8.2.B provides that if a candidate withdraws before 5:00 p.m. on the 2nd Monday in July (July 8th) preceding the general election, any replacement candidate will have a qualifying period of 30 days from the 4th Monday in July as a participating candidate to collect qualifying contributions and request certification. Party representatives on behalf of several successful nonparticipating primary candidates have requested to know whether those candidates would be eligible for Clean Election Act funding if they withdraw and are then nominated as replacement candidates. **Question:** Is a successful primary election candidate (not previously certified as a MCEA candidate) who withdraws after the primary election and is nominated by party caucus to replace him/herself on the ballot for the general election eligible to collect qualifying contributions and request certification as a replacement MCEA candidate for the general election?

12. Other: Miscellaneous as needed.

13. Executive Session: Discussion of internal personnel matters.

ADJOURNMENT

INFORMAL ORIENTATION, TRAINING AND QUESTIONS AS DESIRED BY MEMBERS